

MILITAMEN FORCED TO LEAVE GUNS AT DOOR AT STRIKE PROBE

Colorado National Guardsmen Shooed Off Stage Until They Get Rid of Heavy Artillery; Sergeant at Arms, Veteran Illinois Peace Officer, Says When He Needs Help to Handle Crowd He'll Call for It.

IMAGINATIVE MINE GUARD WITNESS NAIVELY CONFESSES HE SOMETIMES TELLS TRUTH AND SOMETIMES LIES

[By Leased Wire to Evening Herald.] Trinidad, Colo., Feb. 19.—Two Colorado national guard officers and one private who were big revelers when they entered the room where the congressional investigation of the coal strike was in progress this morning were ordered by Sergeant-at-Arms M. J. J. to remove the guns or not come upon the stage where the committee and attorneys sat. The soldiers protested that they were on duty and authorized to carry arms, but Mr. J. J. said that the committee and attorneys were not on duty and that the soldiers were not on duty. The soldiers were then ordered to leave the room and to leave their guns at the door. The soldiers then left the room and the investigation continued.

Joseph Smith, the militia private who stopped Representative Evans in Berwind canyon on Tuesday when the latter made his incognito tour of the coal mining district, was produced by the military authorities at the request of Mr. Evans. Private Smith on Tuesday gave Mr. Evans a half-raising description of bloody conflicts in which he said he took part. This morning the ex-mine guard, questioned by Evans, denied that he had seen anybody killed.

"Didn't you tell the about seeing a lot of men killed?" demanded Evans. "Yes, but you seemed so inquisitive I thought I'd humor you," replied the soldier.

"Didn't you make it a practice to tell the truth?" "Sometimes I tell the truth and sometimes I don't," replied the soldier.

"Didn't you say four of your men were killed by strikers in one of the battles you told me about?" "Oh, sure I did," replied the soldier.

"How many strikers did you say you killed in the same fight?" "If I remember right, I told you we killed fifty," replied the soldier.

"Didn't you say 63?" "I don't think so," replied the soldier.

The witness was questioned further by Representative Sutherland. "I was just in a talkative mood that day," he explained, when pressed for his reason for lying to Mr. Evans.

"Didn't he ask you these questions in a gentlemanly manner?" asked Sutherland. "No, sir," replied the soldier.

"How did he ask them?" "In a kind of a rough manner," replied the soldier.

Walter L. Bredovich, the official interpreter for the committee, was called to the stand by the miners. He was questioned about the contract purporting to be printed in Slavish which some of the strikers had signed before they were brought to Colorado.

He said the contract was printed in something approximating the Slavonian dialect, and could not have been read by the majority of the Slavs who come to America.

Rodas Mendez, a miner, next was put on the stand by the strikers. He testified to the alleged activity of the mine companies in breaking up secret orders among the miners.

Frank E. Gove, attorney for the operators, tried to bring out that Slavic societies forbid their members to work during strikes. The committee finally instructed the witness to produce the constitution of his organization.

SOUTHLAND IS NOT OFFERING SWAMPED AGAIN SOP TO THE LION

Another Terrific Downpour in Southern California Totals Eight Inches in Twelve Hours.

FLOODS DO DAMAGE TO ORANGE GROVES

[By Leased Wire to Evening Herald.] Los Angeles, Cal., Feb. 19.—Southern California was flooded today as a result of a downpour which started at midnight Tuesday and yielded from six to eight inches of rain in twelve hours.

Railroad traffic was demoralized. In the cities the streets were turned into mill races. Storm drains were overtaxed and irrigation canals widened into lakes.

Emmett Osterman, a 12-year-old boy, was crowned yesterday at Santa Barbara. This was the only fatality reported here.

One of the telegraph companies reported today that 75 per cent of its wires were useless. Arizona was virtually cut off from wire communication.

Retaining walls at various points in the foothill region of the orange growing section collapsed under the weight of water, and sent floods swirling through the orchards, inflicting great damage.

Several houses collapsed in Los Angeles. In many sections people used boats to navigate the streets.

POLICE HAVE CLUE TO MURDERER OF GIRL

Illinois Authorities on Trail of Criminal Who Beat Her to Death in Cemetery.

[By Leased Wire to Evening Herald.] Aurora, Ill., Feb. 19.—The police found a new witness, Peter Fischback, today whose testimony, they believe will go far to prove that Anthony Petras, the young married man whose wife Theresa Hollander rejected, is the man who beat her to death with a club in St. Nicholas cemetery last Monday.

Fischback was a fellow student of Petras at night school and, according to his story, Petras left the school in the residence section, saying that he was going home, while as a matter of fact, he went down town. About 3 o'clock Fischback said he saw Petras standing at a downtown corner in the center of the business district.

Petras told him, Fischback said, that he was going to catch a car but when the car came he did not take it. This was the car just before the one on which Petras and the Hollander girl went toward home at 9:25 o'clock. The police theory is that Petras waited to see what car Miss Hollander boarded and they believe Fischback's story confirms their supposition.

Wireless Sweeping Seas in Vain for Vessel

Mystery of the Deep Surrounds Fate of Five Masted Schooner of Bath Lost in Atlantic.

[By Leased Wire to Evening Herald.] Norfolk, Va., Feb. 19.—Wireless calls sweeping over the sea from the radio towers on the middle Atlantic coast, revenue cutters and numbers of steamships today found no trace of the five masted schooner Kineo of Bath, Me., last reported yesterday making twelve inches of water an hour and in a disabled condition. The schooner with her crew of eleven had been in bad fortune for the last month; twice her sails were blown away and once she put into port for safety. When she was sighted by the steamer City of Atlanta yesterday it did not seem necessary for the liner to take off her crew, and the revenue cutter Onondaga began a search. The Kineo was then 160 miles north-east of Diamond Shoals.

Neither liner damaged. New York, Feb. 19.—Neither the White Star steamer Celtic nor the Faeroe line steamer Madras, which were reported yesterday in collision in the Bay of Naples, was badly damaged to the extent of delaying its sailing, according to advices received here today.

Senate. Executive session to consider renewal of eight pending arbitration treaties. Senators went to the White House to confer with President Wilson on the Panama tolls repeal.

Majority Leader Kern announced that Senator Stone would be chosen chairman of the foreign relations committee, succeeding the late Senator Bacon.

Motion to force the Alaska coal leasing bills out of committee went over to tomorrow.

House. Met at noon. Interstate commerce commissioners advocated the bill to regulate railroad securities issues.

Villa Mere Bandit, Says Britisher; Rebel Chief Gloats Over Foreign Captive

GORE NOT GUILTY; BLIND SENATOR IS CONGRATULATED

Scores of Messages of Felicitation Pour in on Oklahoman, on Failure of \$50,000 Damage Suit.

FAIR PLAINTIFF SEEMS UNCONCERNED

[By Leased Wire to Evening Herald.] Oklahoma City, Okla., Feb. 19.—The jury in the \$50,000 damage suit against United States Senator Gore brought in a verdict of not guilty in four minutes late yesterday. The verdict was as follows:

"We find," the jury stated in the verdict, "the evidence submitted by the plaintiff entirely insufficient upon which to base a suit; that said evidence wholly exonerates the defendant and holds the defendant, at the conclusion of the plaintiff's evidence, announced that he desired to introduce no evidence and rested his case, our verdict would have been the same in that event as new returned by us in favor of the defendant."

Scores of messages congratulating Thomas P. Gore, United States senator from Oklahoma, on his exoneration of charges of improper conduct made by Mrs. Minnie E. Bond in a suit for \$50,000 damages, were received by the senator today.

The senator announced that he would spend today and tomorrow here, after which he would go to Hot Springs for a short vacation before he returns to Washington to resume his duties in the senate.

Mrs. Gore, who had sat throughout the trial by her husband's attorneys, and from time to time whispered suggestions to them, could not restrain herself, and tears were in her eyes as she shook hands with the jury foreman.

Mrs. Bond apparently was unmoved by the verdict or the demonstration that followed. She sat quietly at a table scribbling on a piece of paper and her attorney walked from the court room with her.

Notice of appeal from the verdict was given today by attorneys for Mrs. Bond. Mrs. Bond stated today that she and her husband would move to Dallas, Texas.

"MANILA LEGEND" OF ADMIRAL DEWEY GETS HIM IN VERY BAD

[By Leased Wire to Evening Herald.] Berlin, Feb. 19.—A sharp attack on Admiral Dewey in regard to the statements made in his autobiography concerning the German fleet at Manila during the Spanish American war in 1898 was made in parliament today by Matthias Erzberger, one of the leaders of the clerical party. He said the statement of Admiral Dewey had excited the greatest amazement in Germany.

Admiral Von Tirpitz, German minister of marine, in reply said he understood Admiral Dewey would issue shortly an explanation showing that the statement of Admiral Von Tirpitz, the German commander and his subordinates, had been absolutely correct.

The German newspapers recently have severely criticized Admiral Dewey's book, demanding that the German government issue an authoritative statement regarding the "Manila legend."

Admiral Dewey in relating the incident in Manila bay, says it arose through Admiral von Tirpitz's disinclination to observe the "rule of the blockade established by the Americans, one of which insisted that neutral warships entering the bay should report to the Americans. The German vessel Cormoran, disobeyed the rule but a shot fired across her bows had the desired effect. Explorations followed the next day and there was no further interference with the blockade.

FREIGHT RATE DECISION IN THREE MONTHS

[By Leased Wire to Evening Herald.] Washington, Feb. 19.—Decision by the interstate commerce commission on the proposed freight rate increase is expected to be reached probably within three months and before the commission adjourns for its summer recess on July 1. This announcement, substantially, was made by Commissioner Harlan today.

Mr. Harlan said: "Recognizing the public importance of an early disposition of the problems before us here, the carriers, shippers and the commission are using every effort to bring the inquiry to an early conclusion, and there is reason to think the record on the main issues in the case may be closed and the argument had in time to enable the commission to dispose of those questions before the summer recess."

SENATE TAKES UP ARBITRATION TREATIES

Begins Long Delayed Consideration of Conventions With Eight Foreign Nations; Peace Foundation Attacked.

[By Leased Wire to Evening Herald.] Washington, Feb. 19.—Long delayed consideration of general arbitration treaties with eight foreign nations was before the senate today when it went into executive session.

Treaties with Great Britain, Japan, Italy, Norway, Sweden, Portugal and Switzerland were waiting. Senator Chamberlain of Oregon opposed extension of the treaties on the ground that this government should never submit any American question to arbitration by a foreign tribunal.

STURDY BRITON WHO DEFIED GENERAL DISAPPEARS

Wealthy Ranchman, Exasperated at Depredations, Tells Commander to Face What He Thinks of Him.

VILLA HAS SIXSHOOTER READY FOR OFFENDER

Doesn't Give a Profane Blank for British Ambassador, Who Takes Up Matter of Alleged Outrage.

[By Leased Wire to Evening Herald.] El Paso, Tex., Feb. 19.—A long telegram concerning the case of William S. Benton, who disappeared in Juarez, Tuesday night, was sent to the British ambassador at Washington from here today. The case has aroused great interest here, Benton, who is a mine owner and ranchman, is considered wealthy. He has known Francisco Villa for many years, and his wife and friends hope that the rebel general is merely disciplining him for his outspoken protest against rebel depredations on his estate. His remarks to Villa, whom he called a bandit, were deliberate. Exasperated by what he considered wanton damage done his ranch by rebels, Benton spoke to friends of his intention to tell Villa just what he thought of him.

"He is still a bandit and I'm not afraid to tell him so to his face," Benton remarked.

His friends attempted to dissuade him from the use of any intemperate language, but the ranchman disclaimed the advice of James Hamilton, who like Benton, is a British subject. Hamilton, who is leading the search for his missing friend, said today that the best he could hope was that Benton was detained incommunicado, although Villa yesterday declared that he was not under arrest at all.

The suggestion that he might have taken a sudden trip to his 100,000-acre ranch a few miles west of Chihuahua City is discounted as it would have been unprecedented for him not to have informed his wife. A rather vague report reached Mrs. Benton today that her husband was in jail at Juarez. This report was received by the police from a man who said he had talked with a prisoner just released from Juarez. The latter said there was an American in the jail and that the American said if his friends were going to do anything for him they would better hurry up. Talking with reporters today General Villa inadvertently indicated that Benton was still in his hands, but he checked himself before further information could be gained.

"What do you think of a man who would come over here with a six-shooter and threaten me?" demanded Villa.

"I think he ought to be shot," interposed an officer listening to the conversation.

"Well," added the general, "I have the six-shooter here in a box." Yesterday Villa told reporters and others that Benton was not under arrest and when today he said that he had Benton "safe," he laughed at being detected in the previous deception.

When told that the British ambassador had been appealed to, the rebel leader exploded profanely. "I don't give a damn," he said.

HUERTA ONLY PEACEMAKER, SAYS ADOLFO DE LA LAMA

New York, Feb. 19.—Adolfo de la Lama, Mexican minister of finance, arrived here today on the steamship Kron Prinz Ceille on his way to Mexico City from Europe, where he obtained funds to meet interest payments due on government bonds in January and April. He said he was returning to assist the Huerta administration. He will not visit Washington.

President Huerta is the only man, the minister said, who could restore peace in Mexico. His ultimate triumph, he added, was certain. He declined to comment in any way on this country's policy toward Mexico. He said that, in his opinion, the funds obtained abroad—more than \$30,000,000—would be sufficient to continue Huerta in power indefinitely.

FIFTY FORMER FOLLOWERS OF CASTILLO PROBABLY SHOT

El Paso, Texas, Feb. 19.—A special to the Times today says that fifty former followers of Maximo Castillo were captured last night by a detachment of Villa's troops under Major Miguel Samaniego, who has been in pursuit of the band since the Cumbre tunnel disaster. The special adds that as Villa gave orders when the pursuit was ordered to shoot all such prisoners, it is probable that all are dead.

General Villa at Juarez had an official report of the reported capture. Railroad men brought in reports to

Villa Agrees to Stage Battle Out of Torreon

Rebel Commander in Favor of Any Measures Desired to Protect Non-Combatants from Injury.

[By Leased Wire to Evening Herald.] Juarez, Mexico, Feb. 19.—General Francisco Villa, the rebel commander, agreed to the proposition for a neutral zone at Torreon in a conversation over the telephone with General Hugh L. Scott today.

"I am willing to do anything to protect the non-combatants," said Villa to the American general. "I will be willing to have the battle outside the city if the federals would agree, having citizens safe in their homes."

Details of the plan are being worked out between George C. Carothers, vice consul at Torreon, representing the state department, and General Villa. Carothers and Villa were in conference today and it was tentatively agreed that a big ranch outside Torreon should be equipped to care for all refugees during the battle.

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Senator O'Gorman and Root of New York clashed during a discussion of the Hay-Pauncefote treaty. Senator O'Gorman charged that the Carnegie peace foundation was founded for some other purpose than peace. Senator Root vigorously resented his colleague's reference and replied in strong language.

JAPANESE STUDIOUSLY AVOIDED

Washington, Feb. 19.—The Japanese phase of Asiatic immigration was entirely avoided today by Commissioner General Cammett when he testified before a house committee, arguing immediate legislation to restrict Hindu immigrants.

"The department has so far considered Asiatic exclusion solely as it relates to Hindus," said the commissioner.

"Their exclusion is supposed to be an emergency matter. The department requests that legislation at this time be confined to the Hindus only."

TAMMANY MAN NOT TO PLEAD GUILTY TO LARCENY CHARGE

[By Leased Wire to Evening Herald.] New York, Feb. 19.—Thomas H. Hasett, a prominent Tammany politician today refuted rumors that he would plead guilty to an indictment growing out of District Attorney Whitman's graft investigation and demurred to the indictment on technicalities. It had been previously reported that he would aid the prosecution.

Hasett formerly was secretary to John A. Bessel, state engineer, and prior to this secretary to the New York city board of water supply during the period when the Catskill aqueduct cases were awarded and Bessel was a member of the board.

The indictment charges him with attempted grand larceny in trying to persuade Anthony C. Douglas, former mayor of Niagara Falls, that he could obtain the Hudson river aqueduct contract on the "Catskill aqueduct work by making a political contribution of \$50,000 through Hasett."

BODY OF SENATOR CONSIGNED TO EARTH

[By Leased Wire to Evening Herald.] Macon, Ga., Feb. 19.—Funeral services for Senator Bacon of Georgia were held here today. All business was suspended while the body was buried.